

## BOARD OF SELECTMEN

Minutes of the Meeting of 21 December 2005 at 7:00 PM. The meeting took place in the Court Room, Town & County Building, 16 Broad Street, Nantucket, MA 02554. Members of the Board present were Douglas Bennett, Brian Chadwick, Michael Glowacki, Bruce Watts and Whiting Willauer. Chairman Glowacki called the meeting to order at 7:40 PM following a meeting of the County Commissioners.

Announcements. Chairman Glowacki announced holiday closures for the landfill on Monday, December 26, 2005 and Monday, January 2, 2006.

Approval of Minutes of 15 December 2005 at 4:00 PM and 14 December 2005 at 7:00 PM. The Board approved the minutes of 15 December 2005 by unanimous consent. The Board approved the minutes of 14 December 2005 by unanimous consent.

Approval of Payroll Warrant for Week Ending 18 December 2005. The Board approved the payroll warrant by unanimous consent.

Approval of Treasury Warrant for Week Ending 21 December 2005. The Board approved the treasury warrant by unanimous consent.

Nantucket Lighthouse School Request for Appeal of 2004 (FY 05) Building Department Fines (continued from 12/14/05). Chairman Glowacki noted that this matter has been withdrawn by the school.

### Town Administrator's Report.

Request for Approval of Text Change to Home Rule Petition Regarding Land Bank Act to Increase the First-Time Homeowner Exemption. Chairman Glowacki introduced the item. Mr. Chadwick moved to approve the text change as attached to update language of the homerule petition regarding the Land Bank Act to increase the first-time home-buyer exemption. Mr. Watts seconded. So voted unanimously.

Request for Approval of Designation with Regard to the Nantucket Human Services Center at 7 Miacomet Road. Town Administrator Libby Gibson outlined the request in line with a prior town meeting vote. Discussion followed on the question before the Board and the lease length. Chris Lohmann, representing the NHSC, spoke on the completion schedule for work. Mr. Chadwick moved to approve the formal designation as developer of the project site in order to allow seeking of financing with a requirement that the ground lease be executed not later than December 31, 2006. Mr. Watts seconded. So voted unanimously.

### FY 2007 General Fund Budget Update.

Ms. Gibson gave an update since the last meeting of 12/14/05 including an overview and Town Administration recommendations. She reviewed projected expenses by category, noting obligations and discretionary items, then gave a summary of supplemental requests. She noted that many supplemental requests are for continuation cost items and not new ones. She referenced the free cash use policy adopted by the Board on August 3, 2005 and reviewed the Department of Revenue protocol regarding free cash.

Finance Director Connie Voges gave an estimate on free cash and elaborated on its availability. Discussion followed on the stabilization fund. Mr. Bennett spoke on the deficit. Discussion followed on the Town's credit rating if reserve spending occurred and the associated potential conflict with the already standing policy if that were to occur.

Chairman Glowacki noted the intent of the Board to receive updates now and to advocate later. Mr. Chadwick asked about Finance, Police and Fire Department supplemental requests and Ms. Gibson answered. Discussion followed on line items versus supplemental requests. Chairman Glowacki inquired about the requirements of a hazardous materials grant, which Chief Everett Pierce addressed. Chairman Glowacki reminded the Board of access to details in the Town Administration office at any time.

Selectmen's Report/Comment.

Continued Review of FY 2007 General Fund Budget: Reports from The Atheneum, Contract Review Committee, Nantucket Cottage Hospital. Molly Anderson, Atheneum Director, gave a presentation regarding the Atheneum's supplemental request. Discussion followed on library services and accommodations to population. Ms. Voges noted the Atheneum's current baseline budget and supplemental request as compared to the FY 03 budget and noted that the amount provided by the Town to the Atheneum has doubled.

Human Services Contract Review Committee member Jack Gardner reported on the status of the Committee's review of FY 07 requests, noting the requests this year and the need for more information from some groups to complete the task. He added that the committee is working within its allotted budget amount of \$331,000.

Peter McKay spoke for Nantucket Cottage Hospital social services, noting support of the Grant Review Committee. He requested a line item for services rather than the current process via committee. Mr. Bennett spoke in support of the committee process. Chairman Glowacki sought clarity on the presentation of the work of the committee, to which Ms. Gibson indicated that the committee has in the past made recommendations directly to the Finance Committee rather than the Board of Selectmen.

Report of Town Counsel Regarding the Triangle Parcel on Washington Street Extension. Chairman Glowacki introduced the item as requiring the Board's discretion in case some material may be the subject of executive session, asking the Board "to please limit questions to factual material of what is presented." Mr. Bennett shared concerns about lawsuits. Town Counsel Paul DeRensis and Bethany Bartlett gave a presentation of "public record information regarding general vicinity of Great Harbor Yacht Club." Ms. Bartlett described the parcel at issue, "not a legal lot," which was created on a plan for a Washington Street bike path taking. She described the area and reviewed the parameters of adverse possession. Mr. Willauer asked if the taking was done by the Town or County. Ms. Bartlett indicated it was a taking by the Town. Mr. DeRensis noted the Town's purchase of this entire waterfront area from Frank and Clara Low. Discussion followed on the low water mark and registered land. Mr. DeRensis spoke on "shares" shown on the map. Attorney Sarah Alger asked for public comment. Chairman Glowacki declined to take public comment as per the Board's consensus.

Solid Waste Enterprise Account: Continuing Identification of Issues/Brainstorming Solutions. Chairman Glowacki briefly reviewed the Board's intent and progress to date. He referenced a Waste Options letter regarding arbitration and "appearance in the papers." He noted complexity of the contract and Board's desire to make "sound decisions on behalf of all taxpayers and the landfill users."

He noted the Finance Committee's communications attempts with Waste Options. Finance Committee Chairman Rick Atherton provided status of the "workgroup" formed to follow up as suggested from the Board. He noted meetings to date with Waste Options including one to address the contract and that he is currently awaiting a response from WO. Chairman Glowacki noted the recent fee increase public hearing and the Take-It-or-Leave-It question. DPW director Jeff Willett spoke on meetings with Whitney Hall for TILI building and that he had conveyed the Town's wish for staffing there. WO was to have "developed a staffing plan" and get back to him. He noted he has not heard as yet and added a new development regarding permit limits modification from current 49 tons/day now increased to 120 tons/day so that shipping off island is no longer occurring. Chairman Glowacki asked about the potential \$30/ton savings and substantiation, Mr. Willett indicated that he was informed that "that offer has been rescinded pending resolution of arbitration items." Discussion followed on filling the cell and mining.

Ms Gibson indicated the Town's response to the arbitration letter following consultation with Town Counsel, noting the Town's disagreement with all items raised by Waste Options and the Town's willingness to proceed with arbitration. She also indicated that a notice of default will be issued regarding various issues and added that staff continues to review a working draft of landfill issues and plans to come forward at future meetings. On inquiry from the Board, Ms. Gibson noted no action is required, unless there were objections to the response. Jason Grazeidel asked about the arbitration timetable, which Ms. Gibson noted would be months.

Minutes of the Meeting of 21 December 2005 at 7:00 PM  
Page III

The meeting adjourned at 9:40 PM.

Approved the 18<sup>th</sup> day of January 2006.